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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Mel A Thomas,
10 Petitioner,

11 v.

12 David Shinn, et al.,
13 Respondents.
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No. CV-21-02209-PHX-DWL
ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus
16 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of
17 the United States Magistrate Judge (Doc. 13). The R&R, which was issued on October 18,
18 2022, recommended that the Petition be denied and dismissed with prejudice and further
19 provided that "[t]he parties have fourteen days from the date of service of this [R&R's]
20 copy to file specific, written objections with the Court. . . . Failure to timely object to the
21 [R&R] may result in the District Court's acceptance of the [R&R] without further review."
22 (Doc. 13 at 7.)

23 Here, no such objections have been filed and the time to object has expired. Thus,
24 the Court accepts the Magistrate Judge's recommendation. *See, e.g., Thomas v. Arn*, 474
25 U.S. 140, 149-50 (1985) ("It does not appear that Congress intended to require district court
26 review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard,
27 when neither party objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d
28 1219, 1226 (D. Ariz. 2003) ("[N]o review is required of a magistrate judge's report and


1 recommendation unless objections are filed.”). *See also United States v. Reyna-Tapia*, 328
2 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s
3 findings and recommendations de novo *if objection is made*, but not otherwise.”).

4 Accordingly,

5 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 13) is accepted,
6 that the Petition (Doc. 1) is denied and dismissed with prejudice, and that the Clerk of
7 Court shall enter judgment accordingly.

8 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
9 proceed in forma pauperis on appeal be **DENIED** because dismissal of the petition is
10 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
11 debatable.

12 Dated this 14th day of November, 2022.

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16 _____
17 Dominic W. Lanza
18 United States District Judge
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